

REMARKS

This Response is submitted in response to the Non-Final Office Action dated June 9, 2008. Claims 1-25 are rejected in the Office Action. However, Applicants previously cancelled Claims 1-25 in favor of new Claims 26-50. See Preliminary Amendment dated February 14, 2008. Because Claims 1-25 are substantially similar to Claims 26-50, Applicants will apply the rejections and comments regarding Claims 1-25 to Claims 26-50 and respond accordingly.

Claims 26-50 are pending in this application. Claims 26-37 and 42-50 are rejected under 35 U.S.C. 101 and Claims 26-50 are rejected under 35 U.S.C. 103. In response, Claims 26-37, 42, 44, 47, 49, and 50 have been amended. The amendment does not add new matter. In view of the amendment and/or for the reasons set forth below, Applicants respectfully submit that the rejections are improper and should be withdrawn.

Rejections under 35 U.S.C. 101

In the Office Action, Claims 26-37 and 42-50 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The Office Action states that all of the listed claims comprise only means limitation with no accompanying hardware. Applicants respectfully traverse the rejection for at least the reasons set forth below.

Claim 26 has been amended to recite, “A mobile information processor, comprising: a communication ~~parts~~ means for performing data communication with an external apparatus; a storage ~~part~~ means for storing mobile directory information including information of nearby apparatuses; and a controller means for collecting information of accessible nearby apparatuses and updating the mobile directory information stored in the storage part based on the collected information.” Claims 27-37, 42, 44, 47, 49, and 50 have been similarly amended.

Applicants submit the listed claims are fully supported by the specification and comprise means limitation with accompanying hardware. For example, Applicants disclose “[a] central processing unit (CPU) 351 is a processor which functions as a control unit.” See published specification, paragraph [0075]. “A storage unit 304 is a hard disk or flash memory, for example.” See published specification, paragraph [0076]. “The communication unit 308 performs wireless communication by using Bluetooth or the like.” See published specification, paragraph [0078].

Claims 49-50 have been amended to recite, in part, “A computer program product embodied in a computer readable medium storing a program for enabling a mobile information processor to execute a process of obtaining information of nearby apparatuses.” Applicants submit that such language is statutory subject matter. The MPEP §2106.01(I) states, “In contrast, a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program’s functionality to be realized, and is thus statutory. See *Lowry*, 32 F.2d at 1583-84, 32 USPQ2d at 1035.”

Accordingly, Applicants respectfully request that the 35 U.S.C. 101 rejection with respect to Claims 26-37 and 42-50 be reconsidered and the rejection withdrawn.

Rejections under 35 U.S.C. 103

In the Office Action, Claims 26-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Publication No. 2001/0047363 by Peng (“Peng”) in view of U.S. Patent Publication No. 2003/0061234 by Ali (“Ali”). Applicants respectfully disagree and traverse such rejections.

Regarding Claim 26, Applicants interpret the Office Action to state Ali, at paragraph [0019], discloses a mobile information processor, comprising a storage means for storing mobile directory information including information of nearby apparatuses. See, Office Action dated June 9, 2008, page 3, lines 11-16. However, Ali discloses “[t]he network 100 further includes service control points (SCPs) 70 which include at least one home location register (HLR) data base and can include visitor location registers (VLR).” Thus, the HLR data base is located in SCPs and not within a mobile information processor. For example, see Fig. 1, mobile unit 10 and HLR 70. Furthermore, Ali discloses an HLR stores subscriber information and current location data but fails to disclose storing information of nearby apparatuses. See Ali, paragraph [0005]. Thus, Ali fails to disclose a mobile information processor, comprising a storage means for storing mobile directory information including information of nearby apparatuses as is claimed and fully supported by the specification.

Additionally, the Office Action states that Ali discloses a control means for collecting information of accessible nearby apparatuses. However, Ali discloses “[a] routing database

search 410 is performed using a detected MIN or MDN as a search key for a network point code address associated with the destined HLR.” See Ali, paragraph [0048]. Therefore, Ali discloses searching for a specific network point code address associated with a HLR and does not disclose collecting information of accessible nearby apparatuses. Furthermore, Ali discloses nothing about the proximity of the destined HLR. Thus, Ali fails to disclose a control means for collecting information of accessible nearby apparatuses as claimed and fully supported by the specification.

Independent Claims 32, 34, 38, 42, 44, 47, 49, and 50 are rejected for the same reasons set forth in the rejection of Claim 26. Thus, Applicants respectfully submit that all independent claims are patentable for the same reasons as stated above. The patentability of independent Claims 26, 32, 34, 38, 42, 44, 47, 49, and 50 renders moot the obviousness rejection of Claims 27-31, 33, 35-37, 39-41, 43, 45, 46, and 48 that depend thereon.

Accordingly, Applicants respectfully request that the obviousness rejections with respect to Claims 26-50 be reconsidered and the rejections withdrawn.

For the foregoing reasons, Applicants respectfully submit that the present application is in condition for allowance and earnestly solicit reconsideration of the same.

The Director is authorized to charge any fees which may be required, or to credit any overpayment to Deposit Account No. 02-1818. If such a withdrawal is made, please indicate the Attorney Docket No. 112857-425 on the account statement.

Respectfully submitted,

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